

Citizens Advice Witness Service Consultation Response

Proposal on the provision of court and tribunal
estate in England and Wales

Patron HRH The Princess Royal

Chief Executive Gillian Guy

Citizens Advice is an operating name of the National Association of Citizens Advice Bureaux

Charity registration number 279057 VAT number 726 0202 76 Company limited by guarantee Registered number 1436945 England
Registered office: 3rd Floor North, 200 Aldersgate Street, London EC1A 4HD

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Question 1: Do you agree with the proposals? What overall comments would you like to make on the proposals?

As the provider of the Citizens Advice Witness Service, which operates from all criminal courts in England Wales under a grant from the Ministry of Justice, we welcome the improved use of technology, reducing unnecessary attendance at court and lessening reliance on poor facilities. Furthermore, there are a number of courts named for closure where our collective opinion is in alignment with the proposed changes. However, we also have related concerns.

These relate to:

- access to justice;
- local justice for local people;
- accommodation assessments (both with regard to capacity and security); and
- accessibility for witnesses and volunteers delivering our service.

We have sought input from individuals across the breadth of our service, from local managers and volunteers to our senior management team, in order to present a comprehensive perspective on how we believe that the proposed changes will affect both witnesses directly, the support provided by the Witness Service and our ability to deliver our service.

There are a number of courts where the Witness Service agrees that closure is the correct decision and, in some cases, is long overdue. Across all regions a number of the courts identified for closure, including Waltham Forest, Holyhead and Dartford Magistrates' Court, have poor facilities, have fallen into disrepair and as such are not adequate for the function they perform. In the instance of cases at Torquay being moved to Newton Abbot, volunteers and staff are equally enthusiastic about this change as the facilities available for witnesses are far superior at Newton Abbott. Closing these courts will ensure that witnesses will attend, wait and provide evidence in an acceptable environment regardless of their geographical location.

Furthermore there is a significant number of courts marked for closure, including Greenwich Magistrates' and several courts in rural Wales, where the current usage is sufficiently low as to not create added pressure on Witness Service provision in the retained nearby courts that would hear additional trials. Additionally closure of these low workload courts will release support admin resource in the Witness Service which would be best used elsewhere.

As mentioned above, Citizens Advice Witness Service would champion an increase in the use of technology to reduce unnecessary attendance at court, particularly for Vulnerable and Intimidated Witnesses (VIWs) and those in remote areas. It is therefore contradictory that these proposals will lead to a loss of some existing video

link facilities (i.e. Bicester, Bedford, Prestatyn, Sandwell and St Helens) without known plans being sequenced to address the curtailment of the capacity that this could create. We believe that a strong focus on the impact on witnesses expected to attend court, given their critical role in enabling the effective delivery of justice must form an essential part of any final decisions.

Question 2. Will the proposals for the provision of court and tribunal services have a direct impact on you? If yes, please provide further details.

There are a number of ways in which the proposals will have a direct impact on the 275 staff and 2,200 of the Citizens Advice Witness Service, the witnesses that we support and the facilities which we use.

As mentioned previously, in several cases, planned court closures will potentially free and help rationalise and focus our administrative and managerial capacity. However, with locations being closed and with cases being transferred, thus increasing workloads at other courts, there will also be operational challenges. There may be a need for consultations with staff, particularly in the North, to work through the implications for their current employment with the Witness Service, with a potential loss of experience.

As a largely volunteer delivered service, we also run the risk of many highly trained and experienced volunteers choosing to leave the service if asked to relocate to courts much further afield. There is often a very strong local attachment by volunteers to the delivery of support. If this were to occur, it could have an impact on frontline services which will, in the first instance, be mitigated by the recruitment and training of new volunteers to cope with the receipt of displaced cases and more hearings at alternative locations.

Fortunately, we have embarked on a review of organisational design across the Witness Service which could, partially, take these changes into account. However remaining informed at every opportunity is crucial to the success of this activity and our plans to enhance services and deliver value to witnesses. As a co-located national service, funded by the Ministry of Justice, we would expect to be actively engaged as an essential criminal justice delivery partner both at a national and local level as this and future reforms are developed and progressed.

Communication will be critical in mitigating other potential impacts on our service including a drop in morale due to uncertainty over changes and the potential for volunteers to feel that changes are solely driven by financial savings and are not taking into account the impact on witnesses who they dedicate their free time to support. Also communication will need to be clear following final decisions particularly around Aylesbury Magistrates' Court and whether it will need to be closed for any refurbishment during transition to Crown Court as this may have an effect at other Witness Service locations if cases are temporarily moved elsewhere.

Question 3: Are there other particular impacts of the proposals that HM Courts & Tribunals Service should take into account when making a decision? Please provide details.

Our response focused on the witnesses we support and the facilities from which the Witness Service operates.

Whilst we fully appreciate the need to deliver a more cost efficient court system, we believe that this should not be achieved at the expense of the witness experience. For example, although witnesses can claim back travel expenses from the CPS (for prosecuting witnesses) or from defence solicitors, we believe that the current process for this may need to be changed to a more forward funded model as increased journey time and costs will pose a significant barrier to some witnesses, particularly those in rural or poorer communities. Aside from potentially otherwise jeopardising the effectiveness of trials, these changes may result in a perception that there is not equality for all victims and witnesses if more isolated communities are significantly affected compared to those in urban areas.

The other impact on witnesses that we believe deserves consideration is journey time and feasibility. Many witnesses, particularly those in rural communities, will need to travel much further to attend court, often through areas with poor public transport provision and poor road infrastructure. Rural areas tend to be particularly vulnerable to delays due to increased traffic in summer months, as well as flooding and adverse road conditions in winter, which could pose witnesses with real difficulties in attending court on time, if at all. Those attending cases with a 9.30am start time may also face having to leave their houses far earlier to arrive promptly to court and as such we that this reinforces the importance of Witness Care Units (WCU) and the Crown Prosecution Service (CPS) proactively notifying court listing departments of instances where this may be an issue for a witness. It should be noted as a possibility that some witnesses may feel that the extra travel is not worth their while or that they are unable to afford the upfront cost and therefore be reluctant to attend court.

The security of witnesses must be paramount at all times during the process of attending court to give evidence. A number of courts identified for closure, including Pontypridd and Prestatyn in Wales, currently deal with a high number of domestic violence cases, 10-15 a week in the case of Prestatyn. Witnesses in these cases are more often than not some of the most vulnerable and at risk of intimidation. By closing these courts and transferring cases to courts further afield, witnesses from both sides of the case may be forced to use the same public transport to attend court. This would pose serious safety risks and may dissuade some of the most vulnerable witnesses from giving evidence and continuing with cases. A common theme in the reason given by witnesses for contacting Citizens Advice Witness Service for support is the fear of coming across those on the other side of the case and we feel that significant thought would be needed to prevent this being an issue. Further to this, a number of courts marked for closure, including Redhill Magistrates' and Family Court

and Pontypridd, currently house Specialist Domestic Violence Courts which would also need to be moved, again directly affecting many of the most vulnerable witnesses.

We believe that there would be a number of impacts on facilities used to deliver our support service to witnesses. A number of sites marked for closure across all regions are currently used for remote video links (i.e. Bicester, Bedford, Prestatyn, Sandwell and St Helens), these would be lost and therefore would contradict attempts to increase the use of this technology across the court provision. This could be especially felt in rural areas such as those in Wales where travel times would be greatly extended. Witness Service at Redhill Magistrates' and Family Court currently hosts several Surrey Police Probationer Trainings each year, due to the good meeting room facilities and live court work undertaken here, however this would not be possible if the court was to close and these facilities were lost. Redhill, amongst other courts proposed to be closed, has better parking provision, both in cost and availability, than where cases would likely be transferred, which is Guildford.

The final impact on facilities that we would like to highlight is the increased strain on capacity in waiting rooms at courts which will be responding to a greater number of sittings arising from an increase in receipts from closed courts. In many instances, separate witness waiting room facilities are already limited and insufficient. With a greater volume of witnesses attending a smaller number of courts, Citizens Advice Witness Service is concerned that the capacity of the witness facilities in the receiving retained courts should be properly reviewed in collaboration, with facilities expanded and improved where appropriate. As part of this review, greater consideration could also be made to ensure it is possible to ensure that separate waiting areas for both prosecution and defence witnesses are available.

At present, It is not particularly clear whether and how any closures will be sequenced, strategically, with other efforts and change initiatives to reduce the need for witnesses to attend court. Therefore, and for all the reasons above, it would be appropriate for HM Courts & Tribunals Service to monitor and evaluate the impact of past and future court closures to ascertain whether there is an increase in the number of witnesses failing to attend on the day of trial and whether there is an increase in the number of witness warrants issued.

Question 4. Our assessment of the likely impacts and supporting analysis is set out in the Impact Assessment accompanying this consultation. Do you have any comments on the evidence used or conclusions reached? Please provide any additional evidence that you believe could be helpful.

When consulting with local staff and volunteers at affected courts across each region several queries were raised concerning the evidence and supporting analysis used in reaching conclusions on a number of identified courts.

There were a large number of challenges made to the travel times stated in the consultation and to the conditions under which these were calculated. The general

consensus was that travel times were not reflective of travel during peak times as would be required for cases with 9.30am starts and in many cases local staff suggested that the actual travel times would be at least double those stated. Furthermore there appears to be little, if any, consideration given to seasonal fluctuations in traffic due to holidays, adverse weather and scheduled road works. It would therefore be helpful in the response to this consultation if more detail could be shared to explain the methodological underpinning for travel times and the assertion that '95% of citizens will be able to reach their required court within an hour by car'.

Local staff also highlighted issues with parking once witnesses arrive at courts and queried whether these had been considered. Many of the courts marked for closure are based outside of urban areas and thus tend to have greater, and cheaper, parking provision than the likely receiving courts where cases would be transferred to.

Capacity at retained courts was raised as a potential issue across the regions, examples from the Wales being Merthyr Tydfil and Cardiff Magistrates' Courts where local Witness Service staff do not believe that there is ample space to handle any increase in witness volume. Some courts currently have a need to place witnesses in interview rooms due to insufficient waiting areas and Witness Service would be concerned about the quality and space to accommodate witnesses in courts under pressure in the future. Capacity in waiting rooms may also pose an issue as Witness Service seek to increase defence referrals and this will especially be the case where any courts are merged.

Finally, we find the utilisation methodology curious because it bases figures on existing utilisation by assessing the workload as a proportion of maximum available capacity. The results are stated as being 71% utilisation for crown courts and 47% for magistrates' courts. We believe that this is potentially misleading because courts are not, as we understand it, funded to sit to capacity and receive an annual allocation of 'sitting days' so the methodology used will inevitably make utilisation look lower, without giving an accurate picture of demand either. It would be helpful to receive information from HM Courts & Tribunals Service on how sitting day allocations can affect these indicators and, importantly, so that agencies can effectively plan their own capacity to support court hearings and, for Citizens' Advice Witness Service, specifically witnesses.

Question 5. Are there alternatives to travelling to a physical building that would be a benefit to some users? These could include using technology to engage remotely or the use of other, civic or public buildings for hearings as demand requires. Please explain your answer, with specific examples and evidence of the potential demand for the service where possible.

As previously mentioned, Citizens Advice Witness Service strongly support more flexible use of video link technology from a greater number of locations and an expansion of pre-recorded evidence e.g. the section 28 pilot. However the notion that 'using civic and other public buildings, such as town halls, for hearings instead of

underused, poorly-maintained permanent courts' is fanciful for criminal work given various security questions (separation of parties, need for cells for any unplanned remands, availability of technology, etc.) Furthermore, attention may be needed to ensure that public locations used for remote links do not detract from the seriousness of the court proceedings.

Within the reform context, decisions on several courts marked for closure appear, in our opinion, shortsighted. Bedford and Mid Beds Magistrates' Court, for example, has an excellent witness suite which is sometimes used for live links. Feedback from witnesses locally suggests that they would have preferred to give evidence from Bedford had it been offered. Similarly, the witness facilities at Bicester are of a high standard and the intention locally was to make this another remote-link location. Rural Wales appears to be losing a large number of video link locations and while these courts have a low workload and we would not oppose their closure, we do feel that local video link provision in these areas must be maintained due to their remote location.

Another aspect that must not be forgotten is the impact that extended journeys may have on the number of witnesses electing to take the opportunity for a pre-trial visit (which we offer and provide). This could have a detrimental effect on the well being of witnesses ahead of and on the date of their trial. Technology could provide a solution, of sorts to this if virtual court tours were produced for each court and available to all witnesses. Such a resource would undoubtedly reach a number of witnesses who may not have wanted or had time to attend a pre-trial visit regardless of travel times. We are interested and available to explore this.

A caveat to increased reliance on technology to deliver important functions within the court provision would be the safeguards required should an increase result in an increase of technological issues. While technology can improve efficiency and convenience, there is a risk of delay should issues arise at either location. A recent pilot at St Helens where police delivered evidence via remote link suffered numerous problems and setbacks which illustrate the reality of the associated challenges.

Question 6: Please provide any additional comments that you have.

Whilst we welcome the victims and witnesses being specifically cited within the 'Ensuring Access to Justice' principles of the court estate proposals, it is disappointing that the Witness Service is not then referred to in the subsequent paragraph listing agencies whose requirements need to be supported. We have a unique insight as a court based national service available to both prosecution and defence witnesses, with coverage across England and Wales.

In our response to this consultation we have sought to reflect local thoughts and concerns across the affected courts and regions through identifying key themes, illustrated by a small number of specific examples. We have, in the process, collected feedback for many of the specific courts at a much more granular level of detail which

we would be happy to share should it be deemed desirable. Citizens Advice Witness Service would be keen to engage and take an active role in further consultation on court closures. Whilst we agree that there are several courts identified which should indeed be closed, there are other examples where we feel the wider losses as a result of closure would outweigh the financial benefits. In some cases, particularly in the North of England we believe that smaller local changes could potentially deliver a bigger overall difference than closure would.

There is a further subset of courts identified for closure where we agree that a local closure is manageable, however, we believe that there are alternative courts which are more suitable candidates. An example of this would be around Skegness, Boston and Grantham Courts. We would strongly request that HMCTS reconsider their decision to close Skegness Court and Grantham Court in favour of Boston Court and consider the closure of Boston Court instead. Skegness court has superior witness facilities, available catering facilities (although not used at the moment) and is better situated for witness travelling from rural areas. Skegness also has easier access than Boston from rural/coastal areas of the county. We believe that witnesses would be best served if HMCTS were to transfer work from Boston Court to Grantham Court. Witnesses who travel from Spalding and Stamford areas would have approximately an hour added to their journey time were this court's workload be relocated to Lincoln. Rural transport issues would complicate access for witnesses. Grantham is on a major road and rail routes. Further, were Grantham court to be closed, there would be resource and cost implications for WS as some WS volunteers would be unable to travel to Lincoln Court and costs for those who did would be higher. This could have a knock on effect as far as lack of support for witnesses was concerned.

As the above example should illustrate, Citizens Advice Witness Service is not opposed to the principle of streamlining and rationalising criminal court estate, however we feel that, in some instances, further assessment may be required to identify the most suitable candidates for closure and to also prepare affected retained sites. We are available to offer a meaningful and constructive contribution to any such further assessments.

About you:

Full Name	Marios Leptos
Job Title	Head of Citizens Advice Witness Service
Date	07.10.15
Organisation	Citizens Advice
Address	3rd Floor North, 200 Aldersgate St, London
Postcode	EC1A 4HD
Acknowledgement requested?	Yes
Address for acknowledgement	As above

Summary of Organisation:

Mission Statement

- The Witness Service provides practical help, emotional support and information to witnesses so that they feel valued, respected and informed and able to give their best evidence in court.

The key outcomes, defined by the Ministry of Justice, are that witnesses should:

- Understand the role of the Witness Service and the support it can provide and to which they are entitled
- Feel informed about the court process
- Feel less anxious and distressed and better able to cope with giving evidence
- Feel able to contact other agencies where they are better placed to provide support
- Feel that they have been respectfully and fairly treated by the service
- Feel safe at court